

Order

Michigan Supreme Court
Lansing, Michigan

April 22, 2011

Robert P. Young, Jr.,
Chief Justice

142759

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

In re C.I. MORRIS, Minor.

SC: 142759
COA: 299471
Wayne CC Family Division:
08-483987

On order of the Court, the application for leave to appeal the February 17, 2011 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE that part of the Court of Appeals judgment resolving the respondent father's appeal, and we REMAND this case to that court for reconsideration of the respondent father's appeal in light of the confession of error by petitioner Department of Human Services regarding the failure of it and the Wayne Circuit Court, Family Division, to comply with the notice requirements of the Indian Child Welfare Act (ICWA), 25 USC 1901 *et seq.* See 25 USC 1912(a) and MCR 3.980 [deleted effective 5/1/2010].

We retain jurisdiction. On remand, in order to expedite reconsideration of the respondent father's appeal, we DIRECT the Court of Appeals to issue an opinion within 28 days of the date of this order, and to file a copy of that opinion with the Clerk of this Court. In the event that the Court of Appeals orders the case remanded to the Wayne Circuit Court, Family Division, for further proceedings to resolve the ICWA notice violation, as requested by the petitioner, we ORDER such remand proceedings to be stayed until after the case returns to this Court for completion of our review of the Court of Appeals opinion. See MCR 7.302(I); 7.209(D).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 22, 2011

Corbin R. Davis

Clerk